

Interview Summary	Application No. 09/612,766	Applicant(s) HEPWORTH ET AL.	
	Examiner Anh Ly	Art Unit 2162	

All participants (applicant, applicant's representative, PTO personnel):

(1) Anh Ly. (3) _____.

(2) Mr. Chad King (Reg. No.: 44,187). (4) _____.

Date of Interview: TUE. 10/31/2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____.

Claim(s) discussed: independent claims: 1, 5, 6, 10, 12, 16 and 34.

Identification of prior art discussed: _____.


Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicants' representative agreed to make amendment the claims 6, 10, 12 and 16 in order to overcome 101 problem: software per se. Also he made amendment all independent claims by incorporating claims 3-4 and 23 into claim 1, claims 3-4 and 24 into 5; claims 6-7 and 5, claims 7-9 and 24 into 6; claims 3-4 and 25 into 10; claims 3-4 and 26 into 12 and claims 3-4 and 27 into 16 and cancelled claim 34 in order to make the case in good condition for allowable.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Anh Ly
Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

NOV. 21. 2006 1:23PM

TOWNSEND & TOWNSEND

NO. 6067 P. 1

P/S Sean 12
Thank

Atty Docket No. 040246-002000US

FAX NO.: 571-273-4039 to PTO Examiner Anh Ly

11/22/06

ATTENTION: Examiner Anh Ly

Group Art Unit 2162

COMMUNICATION
FOR THE PERSONAL ATTENTION OF
EXAMINER Anh Ly

CERTIFICATION OF FACSIMILE TRANSMISSION

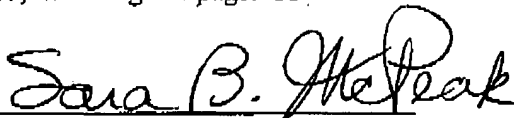
I hereby certify that the following document in re Application of James L. Hepworth et al., Application No. 09/612,766, filed July 10, 2000 for METHOD AND SYSTEM FOR SEARCHING AND MONITORING INTERNET TRADEMARK USAGE are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. Proposed Amendments to claims 1, 5, 6, 10, 12, and 16

Number of pages being transmitted, including this page: 11

Dated: November 21, 2006


Sara B. McPeak

**PLEASE CONFIRM RECEIPT OF THIS PAPER BY
RETURN FACSIMILE AT (303-571-4321) Denver office**

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834
Telephone: 303-571-4000
Fax: 303-571-4321
3910

60919687 v1

PROPOSED AMENDMENTS**Application Ser. No. 09/612,766****Attorney Docket No. (040246-002000US)****Tel. No.: 303-571-4000 (Denver office)****Fax No.: 303-571-4321 (Denver office)**

1. (Currently Amended) A method of searching and reporting an incidence of at least one of a trademark, a tradename, a celebrity name, ~~and/or~~ or famous name in a Web page on the Internet, comprising:

receiving, from a user, the at least one trademark, tradename, celebrity name, ~~and/or~~ or famous name to be searched in the Web page on the Internet;

automatically creating a search string based on the at least one trademark, tradename, celebrity name, ~~and/or~~ or famous name entered by the user;

receiving a URL address of the Web page on the Internet to be searched;

accessing and searching contents of the Web page of the URL address received for matches in the contents of the Web page corresponding to the search string, wherein the searched contents includes elements other than only a domain name;

providing search results of identified matches in the contents of the Web page corresponding to the search string, wherein the search results are extracted from the Web page, categorized, and formatted in a report, each category including at least one character string corresponding to a number of occurrences of the identified matches within the category, the category selected from the group consisting of a meta-tag, a hidden text, a text, a title, a hyperlink, and an image text, and wherein the report displays the at least one character string in a column format for at least one of the meta-tag, the hidden text, the text, the title, the hyperlink, and the image text, and wherein the search results highlight the at least one trademark, tradename, celebrity name, ~~and/or~~ or famous name found in the Web page; and

determining an unauthorized use of the at least one trademark, tradename, celebrity name, ~~and/or~~ or famous name;

wherein the at least one trademark, tradename, celebrity name, ~~and/or~~ or famous name to be searched is provided in an encrypted connection authenticated by a certificate server.

2. (Previously Presented) The method of searching and reporting according to claim 1, wherein the at least one character string is a number of the identifying matches within the category.

PROPOSED AMENDMENTS**Application Ser. No. 09/612,766****Attorney Docket No. (040246-002000US)****Tel. No.: 303-571-4000 (Denver office)****Fax No.: 303-571-4321 (Denver office)**

3 - 4. (Canceled)

5. (Currently Amended) A method of searching and reporting an incidence of at least one of a trademark, a tradename, a celebrity name, ~~and/or~~ or a famous name in a Web page on the Internet, comprising:

receiving, from a user, the at least one trademark, tradename, celebrity name, ~~and/or~~ or famous name to be searched in the Web page on the Internet;

automatically creating homonyms and phonetic equivalents of the at least one trademark, tradename, celebrity name, ~~and/or~~ or famous name entered by the user;

automatically creating a search string including the at least one trademark, tradename, celebrity name, ~~and/or~~ or famous name and the automatically created homonyms and phonetic equivalents based on the at least one trademark, tradename, celebrity name, ~~and/or~~ or famous name entered by the user;

receiving a URL address of the Web page on the Internet to be searched;

accessing and searching contents of the Web page of the URL address received for matches in the contents of the Web page corresponding to the search string, wherein the searched contents includes elements other than only a domain name;

providing search results of identified matches in the contents of the Web page corresponding to the search string, wherein the search results are extracted from the Web page, categorized, and formatted in a report, each category including at least one character string corresponding to a number of occurrences of the identified matches within the category, the category selected from the group consisting of a meta-tag, a hidden text, a text, a title, a hyperlink, and an image text, and wherein the report displays the at least one character-string in a column format for at least one of the meta-tag, the hidden text, the text, the title, the hyperlink, and the image text, and wherein the search results highlight the at least one trademark, tradename, celebrity name, ~~and/or~~ or famous name found in the Web page;

determining an unauthorized use of the at least one trademark, tradename, celebrity name, ~~and/or~~ or famous name;

PROPOSED AMENDMENTS
Application Ser. No. 09/612,766
Attorney Docket No. (040246-002000US)
Tel. No.: 303-571-4000 (Denver office)
Fax No.: 303-571-4321 (Denver office)

obtaining information relating to an owner of the URL address conducting the unauthorized use; and

informing the owner of the unauthorized use;

wherein the at least one trademark, tradename, celebrity name, ~~and/or~~ or famous name to be searched is provided in an encrypted connection authenticated by a certificate server.

6. (Currently Amended) A system for searching and reporting an incidence of at least one of a trademark, a tradename, a celebrity name, ~~and/or~~ or a famous name in a Web page on the Internet, comprising:

a computer system having a connection to the Internet, the computer system comprising a computer readable storage medium having stored thereon a computer program comprising a set of instructions ~~executable by the computer system to perform the following operations: system, the set of instructions comprising:~~ *to be executed*

~~instructions to receive an input from a user of the at least one trademark, tradename, celebrity name, and/or or famous name to be searched in the Web page on the Internet;~~

~~instructions to automatically create a search string including the at least one trademark, tradename, celebrity name, and/or or famous name based on the at least one trademark, tradename, celebrity name, and/or or famous name received from the user;~~

~~instructions to receive a URL address of the Web page on the Internet to be searched;~~

~~instructions to access and search contents of the Web page of the URL address received for matches in the contents of the Web page corresponding to the search string;~~

~~instructions to provide search results of identified matches in the contents of the Web page corresponding to the search string, wherein the searched contents includes elements other than only a domain name, the search results are extracted from the Web page, categorized, and formatted in a report, each category including at least one~~

PROPOSED AMENDMENTS
Application Ser. No. 09/612,766
Attorney Docket No. (040246-002000US)
Tel. No.: 303-571-4000 (Denver office)
Fax No.: 303-571-4321 (Denver office)

character string corresponding to a number of occurrences of the identified matches within the category, the category selected from the group consisting of a meta-tag, a hidden text, a text, a title, a hyperlink, and an image text, the report displays the at least one character string, wherein the at least one character string comprises a number of the identifying matches within the category, and wherein the report displays the at least one character string in a column format for at least one of the meta-tag, the hidden text, the text, the title, the hyperlink, and the image text; and

~~instructions to determine an unauthorized use of the at least one trademark, tradename, celebrity name, and/or or famous name;~~

wherein the at least one trademark, tradename, celebrity name, ~~and/or or~~ famous name to be searched is provided in an encrypted connection authenticated by a certificate server.

7. - 9. (Canceled)

10. (Currently Amended) A system for searching and reporting an incidence of at least one of a trademark, a tradename, a celebrity name, ~~and/or or~~ a famous name in a Web page on the Internet, comprising:

a computer system having a connection to the Internet, the computer system comprising a computer readable storage medium having stored thereon a computer program comprising a set of instructions ^{to be executed in} ~~executable by the computer~~ to perform the following operations:
~~system, the set of instructions comprising:~~

~~instructions to receive an input from a user of the at least one trademark, tradename, celebrity name, and/or or famous name to be searched in the Web page on the Internet;~~

~~instructions to automatically create homonyms and phonetic equivalents of the at least one trademark, tradename, celebrity name, and/or or famous name received from the user;~~

PROPOSED AMENDMENTS
Application Ser. No. 09/612,766
Attorney Docket No. (040246-002000US)
Tel. No.: 303-571-4000 (Denver office)
Fax No.: 303-571-4321 (Denver office)

~~instructions to~~ automatically create a search string including the at least one trademark, tradename, celebrity name, ~~and/or~~ or famous name and the automatically created homonyms and phonetic equivalents based on the at least one trademark, tradename, celebrity name, ~~and/or~~ or famous name received from the user;

~~instructions to~~ receive a URL address of the Web page on the Internet to be searched;

~~instructions to~~ access and search contents of the Web page of the URL address received for matches in the contents of the Web page corresponding to the search string;

~~instructions to~~ provide search results of identified matches in the contents of the Web page corresponding to the search string, wherein the searched contents includes elements other than only a domain name, the search results are extracted from the Web page, categorized, and formatted in a report, each category including at least one character string corresponding to a number of occurrences of the identified matches within the category, the category selected from the group consisting of a meta-tag, a hidden text, a text, a title, a hyperlink, and an image text, the report displays the at least one character string, wherein the at least one character string comprises a number of the identifying matches within the category, and wherein the report displays the at least one character string in a column format for at least one of the meta-tag, the hidden text, the text, the title, the hyperlink, and the image text;

~~instructions to~~ determine an unauthorized use of the at least one trademark, tradename, celebrity name, ~~and/or~~ or famous name;

~~instructions to~~ obtain information relating to an owner of the URL address conducting the unauthorized use; and

~~instructions to~~ inform the owner of the unauthorized use;

wherein the at least one trademark, tradename, celebrity name, ~~and/or~~ or famous name to be searched is provided in an encrypted connection authenticated by a certificate server.

PROPOSED AMENDMENTS
Application Ser. No. 09/612,766
Attorney Docket No. (040246-002000US)
Tel. No.: 303-571-4000 (Denver office)
Fax No.: 303-571-4321 (Denver office)

11. (Original) The system for searching and reporting according to claim 6, further including:

a remote computer system connected to the computer system via the Internet for accessing the software program.

12 (Currently Amended) A software program embodied on a computer readable storage medium, the software program comprising a set of instructions ~~executable~~ *to be executed* by a computer system to perform the following operations for searching and reporting an incidence of at least one of a trademark, a tradename, a celebrity name, ~~and/or~~ or a famous name in a Web page on the Internet; ~~Internet, the set of instructions comprising:~~

~~receive instructions for receiving~~ from a user the at least one trademark, tradename, celebrity name, ~~and/or~~ or famous name to be searched in the Web page on the Internet;

~~instructions for automatically create-creating~~ a search string including the at least one trademark, tradename, celebrity name, or famous name based on the at least one trademark, tradename, celebrity name, ~~and/or~~ or famous name received from the user;

~~receive instructions for receiving~~ a URL address of the Web page on the Internet to be searched;

~~access and search instructions for accessing and searching~~ contents of the Web page of the URL address for matches in the contents of the Web page corresponding to the search string, wherein the searched contents includes elements other than only a domain name;

~~provide instructions for providing~~ search results of identified matches in the contents of the Web page corresponding to the search string, wherein the search results are extracted from the Web page, categorized, and formatted in a report, each category including at least one character string corresponding to a number of occurrences of the identified matches within the category, the category selected from the group consisting of a meta-tag, a hidden text, a text, a title, a hyperlink, and an image text, and wherein the report displays the at least one character string, wherein the at least one character string comprises a number of the identifying matches within the category, and wherein the report displays the at least one character string in a

PROPOSED AMENDMENTS
Application Ser. No. 09/612,766
Attorney Docket No. (040246-002000US)
Tel. No.: 303-571-4000 (Denver office)
Fax No.: 303-571-4321 (Denver office)

column format for at least one of the meta-tag, the hidden text, the text, the title, the hyperlink, and the image text; and

~~determine instructions for determining~~ an unauthorized use of the at least one trademark, tradename, celebrity name, ~~and/or or~~ famous name;

wherein the at least one trademark, tradename, celebrity name, ~~and/or or~~ famous name to be searched is provided in an encrypted connection authenticated by a certificate server.

13 - 15. (Canceled)

16. (Currently Amended) A software program embodied on a computer readable storage medium, the software program comprising a set of instructions ^{to be executed} executable by a computer system to perform the following operations for searching and reporting an incidence of at least one of a trademark, a tradename, a celebrity name, ~~and/or or~~ a famous name in a Web page on the Internet; ~~Internet, the set of instructions comprising:~~

~~receive instructions for receiving~~ from a user the at least one trademark, tradename, celebrity name, ~~and/or or~~ famous name to be searched in the Web page on the Internet;

~~instructions for automatically create-creating~~ homonyms and phonetic equivalents of the at least one trademark, tradename, celebrity name, ~~and/or or~~ famous name received from the user;

~~instructions for automatically create-creating~~ a search string including the at least one trademark, tradename, celebrity name, search term ~~and/or or~~ famous name and the automatically created homonyms and phonetic equivalents based on the at least one trademark, tradename, celebrity name, ~~and/or or~~ famous name received from the user;

~~receive instructions for receiving~~ a URL address of the Web page on the Internet to be searched;

~~access and search instructions for accessing and searching~~ contents of the Web page of the URL address for matches in the contents of the Web page corresponding to the search string, wherein the searched contents includes elements other than only a domain name;

PROPOSED AMENDMENTS
Application Ser. No. 09/612,766
Attorney Docket No. (040246-002000US)
Tel. No.: 303-571-4000 (Denver office)
Fax No.: 303-571-4321 (Denver office)

~~provide instructions for providing~~ search results of identified matches in the contents of the Web page corresponding to the search string, and wherein the search results are extracted from the Web page, categorized, and formatted in a report, each category including at least one character string corresponding to a number of occurrences of the identified matches within the category, the category selected from the group consisting of a meta-tag, a hidden text, a text, a title, a hyperlink, and an image text, and wherein the report displays the at least one character string, wherein the at least one character string comprises a number of the identifying matches within the category, and wherein the report displays the at least one character string in a column format for at least one of the meta-tag, the hidden text, the text, the title, the hyperlink, and the image text;

~~determine instructions for determining~~ an unauthorized use of the at least one trademark, tradename, celebrity name, ~~and/or~~ or famous name;

~~obtain instructions for obtaining~~ information relating to an owner of the URL address conducting the unauthorized use; and

~~inform instructions for informing~~ the owner of the unauthorized use;

wherein the at least one trademark, tradename, celebrity name, ~~and/or~~ or famous name to be searched is provided in an encrypted connection authenticated by a certificate server.

17. (Previously Presented) The method of searching and reporting according to claim 1, wherein the searched contents includes at least two of the following portions of the Web page: a domain name, a meta tag, hidden text, visible text, titles, and images.

18. (Previously Presented) The method of searching and reporting according to claim 5, wherein the searched contents includes at least two of the following portions of the Web page: a domain name, a meta tag, hidden text, visible text, titles, and images.

19. (Previously Presented) The system for searching and reporting according to claim 6, wherein the searched contents includes at least two of the following portions of the Web page: a domain name, a meta tag, hidden text, visible text, titles, and images.

PROPOSED AMENDMENTS
Application Ser. No. 09/612,766
Attorney Docket No. (040246-002000US)
Tel. No.: 303-571-4000 (Denver office)
Fax No.: 303-571-4321 (Denver office)

20. (Previously Presented) The software program according to claim 16, wherein the searched contents includes at least two of the following portions of the Web page: a domain name, a meta tag, hidden text, visible text, titles, and images.

21. (Previously Presented) The method of searching and reporting according to claim 5, wherein the at least one character string is a number of the identifying matches within the category.

22. (Previously Presented) The system for searching and reporting according to claim 10, wherein the at least one character string is a number of the identifying matches within the category.

23 - 27. (Canceled)

28. (Previously Presented) The system for searching and reporting according to claim 5, wherein the information relating to the owner of the URL address conducting the unauthorized use includes a name and an address of the owner.

29. (Previously Presented) The system for searching and reporting according to claim 5, wherein informing the owner of the unauthorized use includes delivering a cease and desist letter.

30. (Previously Presented) The system for searching and reporting according to claim 10, wherein the information relating to the owner of the URL address conducting the unauthorized use includes a name and an address of the owner.

31. (Previously Presented) The system for searching and reporting according to claim 10, wherein the owner is informed of the unauthorized use by delivery of a cease and desist letter.

PROPOSED AMENDMENTS**Application Ser. No. 09/612,766****Attorney Docket No. (040246-002000US)****Tel. No.: 303-571-4000 (Denver office)****Fax No.: 303-571-4321 (Denver office)**

32. (Previously Presented) The software program according to claim 16, wherein the information relating to the owner of the URL address conducting the unauthorized use includes a name and an address of the owner.

33. (Previously Presented) The software program according to claim 16, wherein informing the owner of the unauthorized use includes delivering a cease and desist letter.

34. (Canceled)

60919547 v1